

REMARKS

This Amendment is in response to the Final Action of June 18, 2009 in which claims 1-11 and 18-26 were rejected and claims 12-17 withdrawn from consideration.

Claims 8 and 23-26 have been amended to recite a “memory” in place of a “computer readable medium.” Support for this amendment can be found in the application as filed, including at page 10, lines 3-18 and page 15, line 30-page 16, line 5.

Objection to the Specification

At page 5 of the Office Action, the specification is objected to for introducing new matter in the amendment filed April 20, 2009. Specifically, it is asserted that the addition of “computer readable medium” at page 10, line 1 is not supported by the original disclosure. The specification has been amended to delete “computer readable medium.” Therefore, it is respectfully requested that the objection to the specification be withdrawn.

Claim Objections

At page 5 of the Office Action, claim 15 is objected to for failing to provide the correct identifier. This informality has been corrected with this amendment, therefore it is respectfully requested that the objection be withdrawn.

Claim Rejections- 35 U.S.C. 112

At page 6 of the Office Action, claims 24-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. It is asserted that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, it is asserted that the specification does not state or provide description of “a computer readable storage medium.”

Claims 24-26 have been amended to recite “a memory” in place of “a computer readable storage medium.” “Memory” is clearly supported by the specification of the application as filed, as stated above. Therefore, it is respectfully submitted that claims 24-26 are in allowable form under 35 U.S.C. 112, first paragraph.

Claim Rejections- 35 U.S.C. 101

At page 6 of the Office Action, claims 24-26 are rejected under 35 U.S.C. 101 because it is asserted the claimed subject matter is directed to non-statutory subject matter. Specifically, it is stated that the applicant has not provided a description in the specification as to what the “computer readable storage medium” entails. Claims 24-26 have been amended to recite “a memory” in place of “a computer readable storage medium.” “Memory” is statutory subject matter and is clearly supported by the specification of the application as filed, as stated above. Therefore, it is respectfully submitted that claims 24-26 are in allowable form under 35 U.S.C. 101.

Claim Rejections- 35 U.S.C. 102

At page 7 of the Office Action, claims 1-2, 4, 6-8 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Reding et al. (US Pat. Pub. 2004/0156491, hereinafter Reding).

With respect to claim 1, it is asserted that Reding discloses each feature of the claim, with reference made to Paragraphs [0114], [0115], [0017] and [121], and Figure 8. Applicant respectfully disagrees.

Claim 1 comprises the features of in case the data transmitting device is identified as a transmitting device, from which there is defined a call divert command to the receiving mobile station, receiving the data, or in case the data transmitting device is identified as other than the transmitting device, from which there is defined a call divert command to the receiving mobile station, transmitting the data further. Reding fails to disclose the combination of these two features.

In the Response to Arguments section at page 4 of the Office Action, it is asserted that “Reding discloses ringing the home phone when a particular contact is calling or forwarding the call to the user’s cell phone, therefore when the data transmitting device is identified as a transmitting device from which there is a defined a call divert command to the receiving mobile station receiving the data.” It is further asserted that “Reding discloses that the user may elect for the home phone to ring or to forward the call to a specific phone or vacation number as a default in the event that no specific treatment is specified, therefore in the case the data transmitting device is identified as other than the transmitting device from which there is a defined call divert command from the receiving mobile station (no specific treatment specified), transmitting the data further (use default treatment such as forwarding the call to a particular number).”

The method described by Reding, a call directed to the user's communication line (phone/home phone 114) is received (Reding, paragraph [00114]). Under the assertions presented by the Office, if the party making the call has a defined call divert command to the home phone, then the call goes to the home phone, or is diverted to user's cell phone. If there is not a defined call divert command for the calling terminal (that is there is no specific treatment specified), the user may still elect the home phone (114) to ring (Reding, paragraph [0117]). In both instances, the party is trying to contact the user's home phone in both instances, and in both instances can contact the user's home phone. If a call is in fact diverted away from the home phone, it is diverted to a particular number which, presumably, would also be accessible from any transmitting terminal, as they are the user's cell phone or vacation phone number, for example. Thus, it is not clear how Reding discloses a receiving terminal which is only able to receive calls from a device which is identified as a transmitting device from which there is defined a call divert command to the home phone. If ISCP 302 determines that no special handling based on caller-ID should be applied (there is not defined a call divert command), it can be presumed that the home phone would be called (See Reding, paragraph [0114]). There is nothing disclosed by Reding where it could be interpreted that a call to the home phone from a transmitting terminal is received by the home phone because of a defined divert command.

Therefore, because Reding fails to disclose the invention as claimed, it is respectfully submitted that claim 1 is in allowable form and not anticipated by Reding.

For similar reasons, it is respectfully submitted that independent claims 4 and 23 are also in allowable form.

Claim Rejections- 35 U.S.C. 103

At page 13 of the Office Action claims 9-11, 18, 20-22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reding.

With respect to independent claim 18, it is asserted that Reding discloses a processor configured to: detect a call divert command (with reference to Fig. 8, and paragraphs [0038], [0040] and [0116]); identify a data transmitting device from which data is transmitted to a receiving mobile station (with reference to Fig. 8, and paragraphs [0114]-[0115]); transmit data to the receiving mobile station, in case the data transmitting device is identified as the transmitting device from which data, according to the call divert command, is transmitted to the receiving mobile station (with reference to paragraph [0121]); and

transmit data to a predetermined receiving device, in case the data transmitting device is identified as other than the transmitting device from which data, according to the call divert command, is transmitted to the receiving mobile station (with reference to paragraph [0121]). It is further stated that Reding fails to disclose a mobile switching center comprising all the elements above, but that Reding discloses a voice network plane that includes a mobile switching center and the elements stated above. Thus, it is asserted that it would have been obvious to one of ordinary skill in the art to modify the invention of Reding to incorporate all the elements into a mobile switching center for the purpose of saving network resources by consolidating the elements into a single apparatus, such as a mobile switching center. Applicant respectfully disagrees.

The assertion by the Office that “Reding discloses a voice network plane that includes a mobile switching center and the elements stated above [referring to the asserted elements configured to act as claimed]” is clearly incorrect. The Voice network plane (element 508 in Figure 5) includes ISCP SPACE 314, ISCP 302, intelligent peripherals 320, and SSP 308, and may include a mobile switching center, as is explicitly stated in paragraph [0091] and Figure 5.

It is asserted that the processor of claim 18 corresponds to the “CPU that provides control and processing functions having a processor and using mobile phones,” with reference to paragraph [0040]. It is stated in paragraph [0040], “CPU 200 provides control and processing functions for user terminal 112.” As can be seen in Figure 5, user terminal 112 is in the client plane (502), and is not found in the voice network plane, which it is asserted comprises all of the elements cited in the rejection. Furthermore, the Office refers to paragraph [0116] as also disclosing the processor configured to detect a call divert command. This paragraph states:

In a first example, the call is from calling party for which the disposition list specifies that calls are to be forwarded to a particular number (“forward-to number”), such as for example, to a mobile phone. In such an example, application server 516 may send an instruction to forward the call to ISCP 302 via network access server 410 (S818). ISCP 302 may then instruct SSP 310 to forward the call to the forward-to number, i.e. to the mobile phone (S820). In response, SSP 310 forwards the call to the forward-to number (S822).

From this paragraph, it is clear that the “forward-to number” is determined by examining the disposition list. The disposition list is looked at only by the application server 516, as stated in paragraph [0015]. As is clearly shown in Figure 5, application server 516 is located in the Application Service/Business Logic plane (504), and is also clearly not

included in the voice network plane. In order for the application server to contact the ISCP, it must use network access server (410 in Figure 5), which is located in a fourth plane in Figure 5, the network access plane (506).

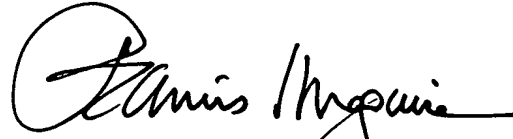
With respect to the assertion that paragraph [0121] discloses the processor is configured to transmit data to the receiving mobile station, in case the data transmitting device is identified as the transmitting device from which data, according to the call divert command, is transmitted to the receiving mobile station, there is no explicit mention of “a transmitting element” as asserted by the Office, nor is it stated that such a transmitting element is located in the same apparatus as all of the other necessary elements. However, it is still clear that the instructions to forward calls come from application server, which is not part of the voice network plane. This is also true for the asserted processor configured to transmit data to a predetermined receiving device, which is asserted to be disclosed at paragraph [0117] and also uses the application server.

Thus, it is clear that Reding, contrary to the Office’s assertion, fails to disclose a voice network plane, or any single plane, which discloses all of the elements of claim 18. Reding fails to suggest or provide a motivation for incorporating all the elements into a single mobile switching center. Therefore, it is respectfully submitted that claim 18 is in allowable form.

At least in view of their dependency on independent claims 1, 4, 18 and 23, it is respectfully submitted that dependent claims 2-3, 5-11, 19-22 and 24-26 are in allowable form.

The objections and rejections of the Office Action of June 18, 2009, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-11 and 18-26 to issue is solicited.

Respectfully submitted,



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